C.D. 2004 (S)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 1795 / 2004

Petitioners : 1. Smt.Maltibai Kunde W/o Late Shri Puranlal Kunde, Aged about 42 years, R/o Gram Sajapahadh, Tah : Baikuntpur, Dist : Surguja-(C.G.)

2. Dinesh Kumar S/o Late Shri Puran Kumar Kunde, Aged about 21 years, R/o Gram Sajapahadh, Tah : Baikuntpur, Dist : Surguja-(C.G.)

P.R. No. 1781/04 presented by Shri Vijay Deshmukh dated 28.6.04

Versus

Respondents : 1. Chhattisgarh state Electricity Board, Through its Chairman, C.S.E.B. Daganiya, Raipur, Dist : Raipur-(C.G.) S R.

2. The Additional Secretary, C.S.E.B. Daganiya, Raipur, Dist : Raipur-(C.G.) R.

3. State of Chhattisgarh, Through the Secretary, Home Department, DKS Bhawan, Raipur-(C.G.) S

RECEIVED COPY 28.6.04 Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Attested

AR(J) 29/3/06

Present in corrected cause list dt. 23/3/2006

29/3/06

4. The Union of India,
The Chief Secretary
Human Resorses.
Department,
New Delhi

5. M. P. STATE
ELECRICITY BOARD,
Throught its
Chairmen,Shakti
Bhavan. Rampur
.Jabalpur [M.P.]

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(146)

आदेश पत्रक

मामला क्रमांक W.P.1795/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-7-2006

Mr. Vijay Deshmukh, counsel for the petitioners.

Mr. A.S. Gaharwar with Mr. Pawan Shrivastava, counsel for respondents No.1 & 2.

Mr. G.K. Beriwal, Deputy Advocate General for the State/respondent No.3.

Mr. S.K. Beriwal, Central Govt. Counsel for Union of India/respondent No.4.

Mr. Vivek Verma, counsel for respondent No.5.

Heard.

The case of the petitioners is that father of petitioner No.2 and husband of petitioner No.1 was working as Sweeper in MPEB who died in harness on 18-7-1993. After his death, the petitioner applied for compassionate appointment with all the requirements as provided by the past circular and present circular dated 1-5-2000. Petitioner No.1 made representations before the appointing authority, but her representations were not properly considered. After representations of the petitioners, respondent No.3 made memo dated 8-7-1995 (Annexure A-3) not granting permission for compassionate appointment on the ground of age and service duration. Petitioner No.1 made representations on 7-12-2001 and 4-4-2004, but nothing has been responded. It is therefore, prayed that the respondents be directed to consider the case of the petitioners for compassionate appointment.

In this connection, at the time of the death of Late Puranlal Kunde, the policy for compassionate appointment in existence was of 24-3-1990 (Annexure R-1). According to clause 2 of the policy, on the natural death of an employee, wife, son or unmarried daughter of that employee was entitled

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

1417

आदेश पत्रक

मामला क्रमांक W.P.1793/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	for compassionate appointment only if the dependants of that employee were already not employed in MPEB and that before death, the employee has not completed 15 years of age. Considering this clause, the application for compassionate appointment of the petitioners was considered by the Board and vide communication (Annexure A-3) dated 8-7-1995, petitioner No.1 was informed that the case of petitioners is not covered under the policy, because Late Puranlal worked for 29 years i.e. he had already worked for more than 15 years, therefore, as per clause 2 of the policy of 1990, the petitioners were not entitled for compassionate appointment. Moreover, Maltibai was aged about 45 years and she is illiterate. Accordingly, the case of the petitioners was not covered under the policy in force at the time of the death of Late Puranlal. Therefore, the petitioners are not entitled for consideration of appointment on compassionate ground and their case has been rightly rejected by the erstwhile MPEB, as such, I do not find any substance in this writ petition, same is liable to be dismissed and it is hereby dismissed. No order as to costs. **Sd/-** **L.C. Bhadoo** **Judge**	

Soma

(पीछे देखिये)

12-2-06 19-2-06